

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Anne Fothergill, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** March 8, 2016  
**SUBJECT:** **BZA Case 19217**– request for area variance relief for a seven story residential building with ground floor retail proposed on property located at 608-618 T Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

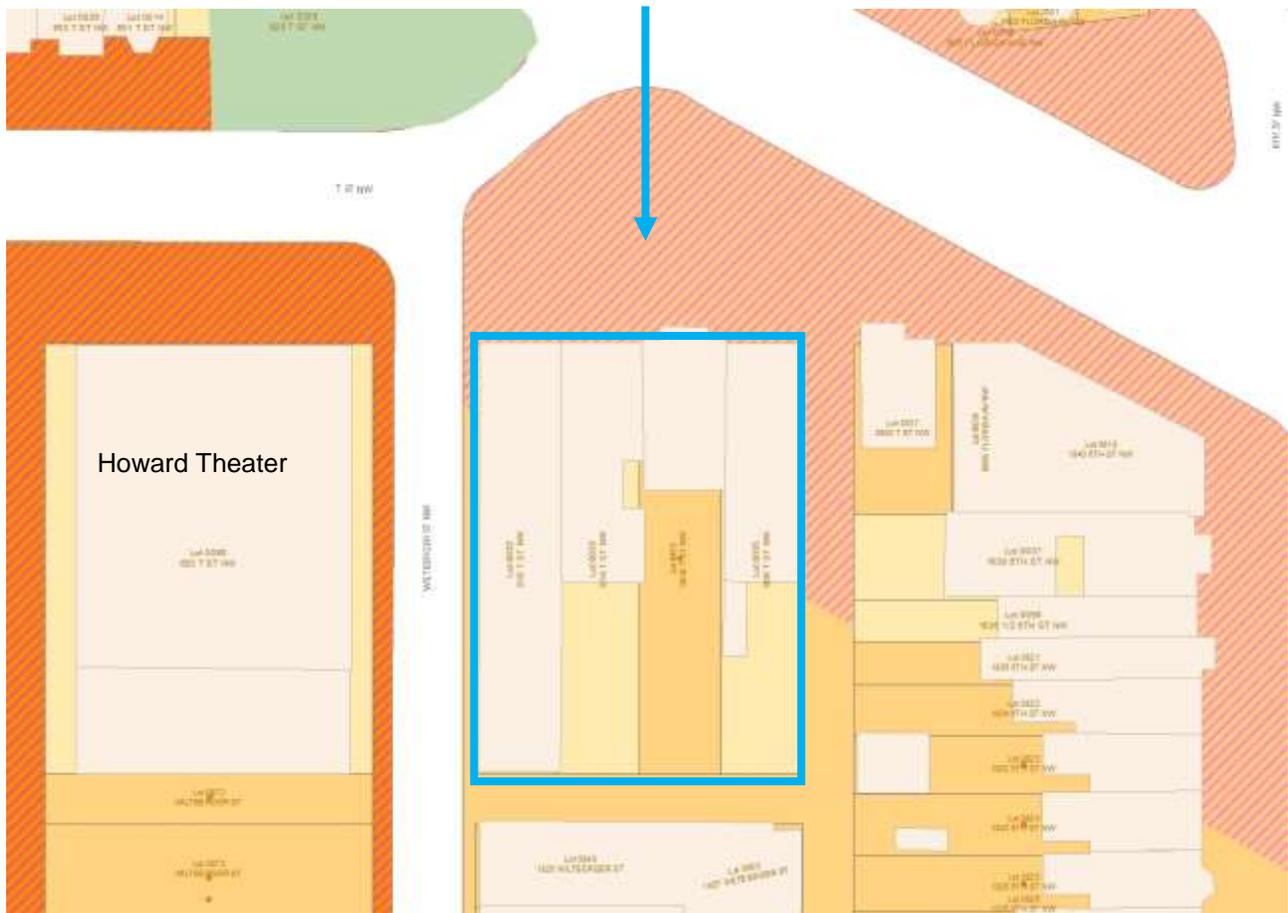
The Office of Planning (“OP”) **recommends approval** of the Area Variance Relief from:

- § 2201 Loading Berths – one 55’ residential loading berth required (30’ proposed)

As noted in the applicant’s pre-hearing statement (Exhibit 30), relief from the building height requirement is no longer requested.

**II. LOCATION AND SITE DESCRIPTION**

Address:	608-618 T Street, N.W.
Legal Description:	Square 0441, Lots 32, 33, 35 and 852
Ward:	6
Lot Characteristics:	The 4 rectangular lots are each approximately 24 feet wide and 126 feet deep with a lot area of approximately 3000 SF. The 4 lots combined have a lot area of 12,023SF.
Zoning:	C-2-B/ARTS – C-2-A has high-density residential and mixed uses; ARTS Overlay encourages pedestrian activity with retail, entertainment, and residential uses
Existing Development:	The subject properties are improved with four two-story commercial and residential buildings.
Historic District:	None
Adjacent Properties:	The four properties are adjacent to alleys on the east, west and south sides and a plaza to the north. The Howard Theater is across the alley to the west and a two-story warehouse is across the alley to the south. To the east along T Street are one and two-story residential and commercial properties and there are residential properties across the alley and fronting Sixth Street.



**III. PROJECT DESCRIPTION-IN-BRIEF**

The applicants propose to construct a seven-story mixed-use building that incorporates two of the T Street buildings’ facades’ into the design. The building will have 59-79 residential units and ground floor retail, service and arts uses. Approximately 4,114 square feet will be designated as Inclusionary Zoning units. There will be two levels of parking below grade that will be accessed off Wiltberger Street.

**IV. ZONING REQUIREMENTS**

C-2-B/ARTS Overlay	Regulation	Proposed <sup>1</sup>	Relief
Floor Area Ratio C-2-B ARTS Overlay § 1904.2 § 1904.3 IZ § 2604.1	3.5 FAR +0.926 ARTS preferred retail (4.5 max.) +.5 ARTS (at least 3.0 residential) +0.985 IZ bonus = maximum 5.911 FAR + .4 Penthouse	5.72 FAR (68,787 SF) + 4 FAR penthouse (4,809 SF)	None

<sup>1</sup> Information provided by applicant.

Height § 1909.1 IZ § 2604.1	65 feet 70 feet with IZ Bonus Density	70 feet	None
Lot Occupancy § 772.1	80% residential/100% commercial	74%/62%	None
Rear Yard (ft.) § 774	15 feet	15 feet	None
Side Yard (ft.) § 775	Not required, but if provided shall be at least 3 inches per foot of height, but not less than 6 feet wide	None	None
Open Court § 776.5	18'4"; 350 SF min.	approx. 18' 1000-1700 SF	None
Roof Structures § 770.6	Habitable penthouse 12'; mechanical penthouse 18'6" (2 <sup>nd</sup> story permitted)	Habitable < 12' Mechanical 8'6"	None
Parking, Bicycle § 2119	Commercial: 5% of required retail vehicle parking (1) Residential: 1 per 3 dwelling units (20-26)	21-27	None
Parking, Vehicle § 2101.1	Residential: 1 space/3 dwellings 59-79 residential units =20-26 spaces plus 1 space/750 SF over 3,000 SF retail = 6	26-37	None
Loading § 2201	1 loading berth @ 55 feet deep 1 loading platform @ 200 SF	1 berth @ 30' deep; 1 platform @ 200 SF	Relief requested
Green Area Ratio	0.3	0.3	None
Inclusionary Zoning § 2603	Greater of 8% of the residential GFA or 50% of the bonus density for IZ	4,114 SF 378 SF penthouse	None

**V. OP ANALYSIS**

**Area Variance Relief:**

Per §2201.1, the loading requirement for a building with more than 50 residential units is one 55 foot deep loading berth, one 200 foot loading platform, and one 20 foot service/delivery loading space. The applicants are proposing to meet these minimum requirements except for the 55 foot deep loading berth. They are unable to meet the 55 foot requirement and instead propose one 30 foot deep loading berth.

The Applicant seeks area variance relief from the residential loading requirements. Pursuant to §3103, variances from the zoning regulations can be authorized by the Board of Zoning Adjustment, so long as certain exceptions exist, those exceptions result in a practical difficulty in meeting the regulations, and detriment to the public good or zoning regulations do not result. Under the recently approved zoning regulations that will go into effect later this year, this relief would not be needed.

- Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions, and does the extraordinary or exceptional situation impose a practical difficulty, which is unnecessarily burdensome to the applicant?***

The property is constrained by a public plaza and narrow streets and alleys which limit vehicular access for parking and loading in the new building. This impacts the number and size of delivery vehicles that can be accommodated in this building. Additionally, the required loading facilities would take up almost 10% of the ground floor and would hinder development of retail space as well as the space needed for the residential lobby and core. The applicant states that moving, delivery and trash trucks can easily maneuver in and out of the proposed smaller loading dock. Due to the siting of the property between the narrow streets and plaza, the turning movements required by a larger 55' truck would be difficult and could restrict the use of the street and alley by other vehicles. These factors create an exceptional situation that results in a practical difficulty for the owner to comply with the regulations.

**2. *Can the relief be granted without substantial detriment to the public good?***

The requested relief from parking should not result in a substantial detriment to the public good. The proposed smaller loading berth is based on the determination that a loading berth for only the smaller trucks is all that would be needed here and would in fact be beneficial to the neighboring properties and drivers. The proposed loading berth size is based on optimal vehicular use of the narrow streets and alleys. The ANC supports the proposed relief as does DDOT.

**3. *Can the relief be granted without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?***

As proposed, the relief can be granted without substantial impairment to the intent, purpose and integrity of the Zoning Regulations and Map. The loading requirements of the zoning regulations are intended to accommodate the needs of larger residential buildings (more than 50 units) but in this case, the proposed loading facilities should be sufficient for what will be needed for a building of this size in this specific location and the relief that has been requested will not impair the intent of the regulations.

**VI. AGENCY COMMENTS**

A report from the District Department of Transportation (“DDOT”) has not been filed at the time of this staff report but DDOT has indicated to OP that they support the loading relief that has been requested. It is expected that DDOT will be requesting additional conditions in the applicant’s Transportation Demand Management Plan.

The applicant has received approval from the Public Space Committee to install a new driveway off Wiltberger Street to access the parking garage.

**VII. COMMUNITY COMMENTS**

ANC 6-E supports the requested relief (Exhibit 28). The ANC and the applicant have agreed to a Development Agreement with a number of conditions relating to the development of this property including preservation of two building facades and the construction work and mitigation of impacts to the neighborhood.

One neighbor submitted a letter of opposition (Exhibit 27).